

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

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JAMES KELLY MONROE, #167 435

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Plaintiff,

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v.

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2:06-CV-928-MEF  
(WO)

OFFICER L. THOMAS, *et al.*,

\*

Defendants.

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**ORDER ON MOTION**

Pending before the court is Plaintiff's request for appointment of counsel. A plaintiff in a civil case has no constitutional right to counsel. While an indigent plaintiff may be appointed counsel pursuant to 28 U.S.C. § 1915(e)(1), a court retains broad discretion in making this decision. *See Killian v. Holt*, 166 F.3d 1156, 1157 (11<sup>th</sup> Cir.1999).

Here, the court finds from its review of the complaint that Plaintiff is able to adequately articulate the facts and grounds for relief in the instant matter without notable difficulty. Furthermore, the court concludes that Plaintiff's complaint is not of undue complexity and that he has not shown that there are exceptional circumstances justifying appointment of counsel. *See Kilgo v. Ricks*, 983 F.2d 189, 193 (11<sup>th</sup> Cir. 1993); *Dean v. Barber*, 951 F.2d 1210, 1216 (11<sup>th</sup> Cir. 1992); *see also Fowler v. Jones*, 899 F.2d 1088, 1096 (11<sup>th</sup> Cir. 1990). Therefore, in the exercise of its discretion, the court shall deny Plaintiff's

request for appointment of counsel at this time. The request may be reconsidered if warranted by further developments in this case.

Accordingly, it is

ORDERED that Plaintiff's Motion for Appointment of Counsel (Doc. No. 35), is DENIED.

To the extent Plaintiff's July 12, 2007 pleading may be construed to contain a Motion for Court Order wherein Plaintiff requests that Defendants be ordered to transfer Plaintiff to a work release facility, it is

ORDERED that the motion (Doc. No. 35) be and is hereby DENIED.<sup>1</sup>

Done, this 13th day of July 2007.

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/s/ Terry F. Moorer  
TERRY F. MOORER  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup>With regard to Plaintiff's *Notice of Retaliation* (Doc. No. 35), Plaintiff is advised that he is free to file another civil complaint if he believes his constitutional rights have been violated since the filing of the instant matter.